

### **REMARKS**

In the Office Action, the Examiner rejected claims 1-53. By the present Response, Applicants amend claims 1, 19, 21-26, 28-31, 33-37, 39-41, 43-47, and 49-53 to clarify certain aspects of the claim recitations. Further, as pointed out by the Examiner, the present application was submitted with two dependent claims that were each denoted as claim 6. Accordingly, Applicants cancel the second occurrence of claim 6, as indicated in the claim listing provided above. Upon entry of the amendments, claims 1-53 will remain pending in the present patent application. Reconsideration and allowance of all pending claims are requested.

### **Objections to the Claims**

In the Office Action, the Examiner objected to claim 6 because two dependent claims of the present patent application were each labeled as claim 6. As indicated above, Applicants canceled the second occurrence of claim 6 to correct this clerical error. In light of this amendment, the Examiner's objection is believed moot. Consequently, Applicants respectfully request withdrawal of the Examiner's objection.

### **Rejections Under 35 U.S.C. § 103**

The Examiner rejected claims 1-4, 6 (second occurrence)-13, 15, 18, 19-21, 24-26, 28, 31-34, and 36-38 under 35 U.S.C. § 103(a) as obvious over Crane et al. (U.S. Patent No. 5,748,907) in view of Powers et al. (U.S. Patent No. 6,604,084) and claims 41-53 under U.S.C. § 103(a) as obvious over Crane et al. in view of Powers et al. and in view of Kenner et al. (U.S. Patent No. 6,314,565). The Examiner also rejected dependent claims 5, 6 (first occurrence), 14, 16, 17, 22, 23, 29, 30, 35, 39, and 40 under 35 U.S.C. § 103(a) as obvious over Crane et al. and Powers et al. in further view of Kenner et al. Still further, the Examiner rejected dependent claim 27 under 35 U.S.C. 103(a) over Crane et al. in view of Powers et al., in further view of Official Notice taken by the Examiner. Applicants respectfully traverse these rejections.

### ***Legal Precedent***

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979). Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching or suggestion supporting the combination. *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984). Accordingly, to establish a *prima facie* case, the Examiner must not only show that the combination includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985). One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988).

### ***Omitted Features of Independent Claim 1***

Turning now to the claims, independent claim 1 recites, among other things, “client data comprising *operational data relating to a medical system* employed at a medical facility” (emphasis added). None of the references cited by the Examiner either teach or suggest such data. The Examiner relies on the Crane et al. reference to provide this element. The Crane et al. reference is directed to addressing common logistical problems in the healthcare service industry by providing a fully automatic management system to increase efficiency of medical facilities. Col. 6, lines 42-45. The Crane et al. system automatically manages, for instance, patient and employee flow, scheduling of appointments, invoicing, occupancy of rooms in a facility, and other such *clerical* details. Col. 6, lines 45-47; *see also* FIG. 1. However, as would be expected in view of the problem addressed by Crane et al., the Crane et al. reference fails to disclose what could reasonably be considered a medical system, let alone a

“medical system comprising a medical diagnostic system” as is also recited in independent claim 1. Further, because the Crane et al. reference fails to disclose a medical system, the reference necessarily fails to disclose “*operational data* relating to a medical system.”

Moreover, the Powers et al. and Kenner et al. references fail to obviate the deficiencies of the Crane et al. reference. Accordingly, Applicants respectfully assert that the cited references, taken alone or in combination, fail to disclose all of the features recited in independent claim 1. For these reasons, Applicants respectfully assert that the Examiner has failed to present a *prima facie* case of obviousness regarding independent claim 1. Accordingly, Applicants respectfully assert that independent claim 1 and its respective dependent claims 2-18 are patentable over the cited references taken alone or in combination. With the foregoing in mind, Applicants respectfully request reconsideration and allowance of claims 1-18.

***Omitted Features of Independent Claims 19 and 31***

As amended above, independent claims 19 and 31 each recite, among other things, “a productivity analysis system configured for analyzing productivity of a medical resource comprising a *medical diagnostic system*” (emphasis added). Applicants respectfully note that the Crane et al., Powers et al., and Kenner et al. references fail to disclose a medical diagnostic system. Consequently, the cited references cannot suggest “analyzing productivity of a medical resource comprising a medical diagnostic system” or a productivity analysis system configured for such analysis. Further, the Official Notice taken by the Examiner with respect to claim 27 does nothing to obviate the deficiencies of the cited references.

Because the references fail to disclose each and every element recited in the present claims, Applicants respectfully assert that the cited references cannot support a *prima facie* case of obviousness regarding independent claims 19 and 31.

Accordingly, Applicants respectfully assert that independent claims 19 and 31, as well as their respective dependent claims 20-30 and 32-40, are patentable over the cited references taken alone or in combination. With the foregoing in mind, Applicants respectfully request reconsideration and allowance of claims 19-40.

***Omitted Features of Independent Claim 41***

As amended above, independent claim 41 recites, among other things, “client data comprising procedure statistics associated with *an imaging system*” (emphasis added). Applicants respectfully note that the Crane et al., Powers et al., and Kenner et al. references fail to disclose an imaging system. Consequently, the cited references cannot suggest “client data comprising procedure statistics associated with *an imaging system*” as recited in independent claim 41.

Because the references fail to disclose each and every element recited in the present claims, Applicants respectfully assert that the cited references cannot support a *prima facie* case of obviousness regarding independent claim 41. Accordingly, Applicants respectfully assert that independent claim 41 and its respective dependent claims 42-53 are patentable over the cited references, whether these references are taken alone or in combination. With the foregoing in mind, Applicants respectfully request reconsideration and allowance of claims 41-53.

**Conclusion**

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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